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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/930,135	08/16/2001	Takanori Nishimura	212768US6	1259
22850 7590 07/16/2007 OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
			EXAMINER MEUCCI, MICHAEL D	
			ART UNIT 2142	PAPER NUMBER
			NOTIFICATION DATE 07/16/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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## Office Action Summary

**Application No.**

09/930,135

**Applicant(s)**

NISHIMURA ET AL.

**Examiner**

Michael D. Meucci

**Art Unit**

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16, 18-21 and 27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 8-13, 16, 18-21 and 27 is/are rejected.
- 7) ☒ Claim(s) 6, 7, 14 and 15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

Art Unit: 2142

### **DETAILED ACTION**

1. This action is in response to the Request for Continued Examination (RCE) filed 20 April 2007.
2. Claims 1-16, 18-21, and 27 are currently pending.

### ***Examiner's Note***

3. Several telephone interviews were conducted between examiner Meucci and the applicant's representative, Michael Monaco (Reg. No. 52,041), on 05 July 2007 and 06 July 2007. During these interviews, the examiner indicated allowable subject matter in claims 6, 7, 14, and 15. The applicant's representative stated that a decision regarding incorporating the allowable subject matter of the dependent claims into the independent claims would be made after receipt of the next office action.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1 and 9 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

a. Regarding claims 1 and 9, the “reserving for rebroadcast” step is not described in the specification. The examiner recommends amending/rewording the claims to better disclose the intended limitation. The examiner believes the applicant meant to disclose: reserving for rebroadcast by the distribution server a predetermined portion of a previous live broadcast of said content distribution, said reserving performed by the third party. Applicant should amend the claims to rectify any inconsistencies found in the previous amendment.

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claim 27 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. The examiner is unable to determine the statutory category of invention of claim 27 because the claim specifies a “computer program” that is dependent upon a method claim. If the applicant wishes to incorporate the method steps of the claims from which 27 depends, applicant must fully recite the method claims as functionality of a system, apparatus, or article of manufacture. Correction is required.

***Claim Rejections - 35 USC § 101***

8. 35 U.S.C. 101 reads as follows:

Art Unit: 2142

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

9. Claim 27 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The computer program disclosed in claim 27 is considered software per se and is not statutory. The applicant's specification does not define computer readable medium in any manner. Additionally, the computer program is not functional because the instructions are not disclosed as being executed by a processor. Correction of all matters is required.

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 1-3, 9-11, 18, 20, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy (U.S. 6,564,380 B1) in view of Griggs (U.S. 2002/0029384 A1).

a. As per claims 1, 9, and 27, Murphy discloses a receiving reservation request information, including desired service time to use the distribution server and contact addresses of clients who should be informed that the content distribution will be preformed from the distributor terminal apparatus to the reservation control apparatus via a network (lines 34-48 of column 3, lines 30-35 of column 7, and lines 42-45 of

Art Unit: 2142

column 11); setting a reservation based on said reservation request information (lines 35-38 of column 12); unidirectionally streaming the content distribution from a live distribution source to the third party based on said reservation request information (lines 15-18 of column 4, lines 28-38 of column 12), said reservation request information includes one of at least a first reservation type and a second reservation type (lines 8-16 of column 13). While Murphy discloses replying to the request with an access code for accessing the stream (lines 33-38 of column 11), additionally discloses the first party designating one or more persons authorized to access the video feed at a particular time, be it live or stored (lines 45-52 of column 11) and allowing the first party to search and query to find desired video feeds, thereby returning a notification to the first party as to when the content distribution will occur (lines 27-32 of column 12), Murphy does not explicitly teach sending notification information based on the reservation request information to notify the third party that the content distribution will be performed and a subsequent step of sending notification information based on the reservation request information and for notifying that the content distribution will be performed where the notification is sent to the contact address of the client users.

However, Griggs discloses: "To work through fire walls that might exist on the local side 800 of the system, the media manager 803 is preferably coupled to the media transport system 809, such that after the catalog interface 801 informs the user that the program has been paid for and that the video data is ready to be transmitted, the catalog interface 801 sends an authorization confirmation to the media manager 803," (paragraph [0053] on page 5. It would have been obvious to one of ordinary skill in the

Art Unit: 2142

art at the time of the applicant's invention to send notification information based on the reservation request information to notify the third party that the content distribution will be performed and a subsequent step of sending notification information based on the reservation request information and for notifying that the content distribution will be performed where the notification is sent to the contact address of the client users. This "informs the user that the program has been paid for and that the video data is ready to be transmitted," (paragraph [0053] on page 5 of Griggs). It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to send notification information based on the reservation request information to notify the third party that the content distribution will be performed and a subsequent step of sending notification information based on the reservation request information and for notifying that the content distribution will be performed where the notification is sent to the contact address of the client users in the system as taught by Murphy.

b. As per claims 2 and 10, Murphy discloses notification information includes access information for connection to said distribution server (lines 35-45 of column 3 and lines 34-38 of column 11).

c. As per claims 3 and 11, Murphy discloses the step of sending notification information includes sending authentication information for the client user to acquire a permission to access said distribution server, and said notification information includes said authentication information (lines 45-51 of column 10).

d. Regarding claims 18 and 20, Murphy teaches: wherein first and second reservation types include a restricted reservation type and a public reservation type (lines 34-41 of column 1, lines 39-55 of column 11, and lines 9-40 of column 17).

12. Claims 4 and 12 rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy in view of Griggs as applied to claims 1 and 9 respectively, in view of Arai et al. (U.S. 6,751,401) hereinafter referred to as Arai.

a. As per claims 4 and 12, Murphy teaches a reservation system and method but does not explicitly teach a cancellation notification step of sending cancellation notification information from the reservation control apparatus to the contact addresses of said clients via a network. However, Arai teaches a broadcast system which allows users to make a reservation for a target program in various ways, including a means for notifying the user of a failure of the reservation when the broadcasting of the program is canceled (lines 62-68 of column 4). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have means for notifying the user of a reservation cancellation. "With this arrangement, the user can know the failure of the reservation," (lines 65-67 of column 4 in Arai. It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to notify the user of a reservation cancellation in the system as taught by Murphy.



Art Unit: 2142

13. Claims 5, 8, 13, and 16 rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy and Griggs as applied to claims 1 and 9, in view of Nelson (U.S. 6,496,568 B1).

a. As to claims 5 and 13, Murphy teaches a reservation system and method but does not explicitly teach a notification step of sending change notification information from the reservation control apparatus to the contact addresses of said clients via a network. However, Nelson discloses: "The determination of whether an event requires notification could be processed by airline CMM interface 135 and/or the notifier and updater system 110," (lines 15-17 of column 6).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have a notification step for notifying users of changes in the reservation. "Processing continues to step 405 where the airline information is manipulated to determine whether there is a flight schedule event requiring notification, such as a change in gate, a flight cancellation or a flight delay," (lines 18-21 of column 6 in Nelson). It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to have a notification step for notifying users of changes in the reservation, in the system as taught by Murphy.

b. As per claims 8 and 16, Murphy teaches a reservation system and method but does not explicitly teach that the notification be sent to the client's email address, which is designated as the contact address. However, Nelson teaches a real-time automatic notification system where the notification is provided through email (lines 64-66 of column 1).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to provide notifications through email. "Once notifier and updater system 110 identifies a notification event and has determined the set of customers to notify, notifier and updater system 110 proceeds with the notification. Customers can be notified via an unlimited number of mechanisms, including interactive voice response messages over the telephone network, pages over a paging or cellular network, email, or even make such notification available at a web site should the customer want to check the status of some event," (lines 7-15 of column 4 in Nelson). It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated provide notifications through email in the system as taught by Murphy.

14. Claims 19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy and Griggs as applied to claims 18 and 20 above, in view of Mashayekhi (U.S. 5,818,936).

a. As per claims 19 and 21, Murphy does not explicitly teach: the restricted reservation type is one of a password reservation type and a secret reservation type. However, Mashayekhi discloses: "The KG 218 is an example of a specialized server application used to register a user in the distributed system 200 by creating an account that includes the user's identity and secret (password)," (lines 40-44 of column 5). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have the restricted reservation type as one of a password reservation type and a secret reservation type. "The KG 218 also creates a private/public key pair for

Art Unit: 2142

aspects of the present invention described below and, thus, must operate in a trustworthy fashion. That is, the KG must choose private /public key pairs at random and must either generate or accept from the users the keys or the passwords used to encrypt or decrypt data. Further, in most implementations, the KG must reliably communicate the generated public key to certification authority 220, so that the CA (e.g., another specialized server application) may cryptographically bind the public key and the user name in a signed "certificate," (lines 44-54 of column 5 in Mashayekhi). It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to have the restricted reservation type as one of a password reservation type and a secret reservation type in the system as taught by Murphy.

### ***Allowable Subject Matter***

15. Claims 6, 7, 14, and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Meucci at (571) 272-3892. The examiner can normally be reached on Monday-Friday from 9:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell, can be reached at (571) 272-3868. The fax phone number for this Group is 571-273-8300.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [michael.meucci@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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